

§ 1.21

37 CFR Ch. I (7–1–08 Edition)

(4) For filing with a request for reexamination or later presentation at any other time of each claim (whether dependent or independent) in excess of 20 and also in excess of the number of claims in the patent under reexamination (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes):

| | |
|-----------------------------------|---------|
| By a small entity (§ 1.27(a)) ... | \$25.00 |
| By other than a small entity | \$50.00 |

(5) If the excess claims fees required by paragraphs (c)(3) and (c)(4) are not paid with the request for reexamination or on later presentation of the claims for which the excess claims fees are due, the fees required by paragraphs (c)(3) and (c)(4) must be paid or the claims canceled by amendment prior to the expiration of the time period set for reply by the Office in any notice of fee deficiency in order to avoid abandonment.

(d) For filing each statutory disclaimer (§ 1.321):

| | |
|--------------------------------|-----------|
| By a small entity (§ 1.27(a))— | \$65.00. |
| By other than a small entity— | \$130.00. |

(e) For maintaining an original or re-issue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond four years, the fee being due by three years and six months after the original grant:

| | |
|-----------------------------------|----------|
| By a small entity (§ 1.27(a)) ... | \$465.00 |
| By other than a small entity | \$930.00 |

(f) For maintaining an original or re-issue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond eight years, the fee being due by seven years and six months after the original grant:

| | |
|-------------------------------|------------|
| By a small entity (§ 1.27(a)) | \$1,180.00 |
| By other than a small entity | \$2,360.00 |

(g) For maintaining an original or re-issue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond twelve years, the fee being due by eleven years and six months after the original grant:

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|-------------------------------|------------|
| By a small entity (§ 1.27(a)) | \$1,955.00 |
| By other than a small entity | \$3,910.00 |

(h) Surcharge for paying a maintenance fee during the six-month grace period following the expiration of three years and six months, seven years and six months and eleven years and six months after the date of the original grant of a patent based on an application filed on or after December 12, 1980:

| | |
|-------------------------------|----------|
| By a small entity (§ 1.27(a)) | \$65.00 |
| By other than a small entity | \$130.00 |

(i) Surcharge for accepting a maintenance fee after expiration of a patent for non-timely payment of a maintenance fee where the delay in payment is shown to the satisfaction of the Director to have been—

| | |
|--------------------|------------|
| (1) Unavoidable— | \$700.00 |
| (2) Unintentional— | \$1,640.00 |

(j) For filing an application for extension of the term of a patent (§ 1.740)—\$1,060.00

(1) Application for extension under § 1.740—\$1,120.00

(2) Initial application for interim extension under § 1.790—\$420.00

(3) Subsequent application for interim extension under § 1.790—\$220.00

[56 FR 65153, Dec. 13, 1991, as amended at 57 FR 38195, Aug. 21, 1992; 57 FR 56450, Nov. 30, 1992; 58 FR 44280, Aug. 20, 1993; 60 FR 41022, Aug. 11, 1995; 61 FR 39588, July 30, 1996; 62 FR 40453, July 29, 1997; 63 FR 67580, Dec. 8, 1998; 64 FR 67777, Dec. 3, 1999; 65 FR 76772, Dec. 7, 2000; 65 FR 78960, Dec. 18, 2000; 65 FR 80755, Dec. 22, 2000; 68 FR 41534, July 14, 2003; 69 FR 52606, Aug. 27, 2004; 70 FR 3888, Jan. 27, 2005; 72 FR 46902, Aug. 22, 2007]

§ 1.21 Miscellaneous fees and charges.

The Patent and Trademark Office has established the following fees for the services indicated:

(a) Registration of attorneys and agents:

(1) For admission to examination for registration to practice:

(i) Application Fee (non-refundable)—\$40.00

(ii) Registration examination fee

(A) For test administration by commercial entity—\$200.00

(B) For test administration by the USPTO—\$450.00

(2) On registration to practice or grant of limited recognition under § 11.9(b) or (c)—\$100.00

(3) For reinstatement to practice—\$40.00

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(4) For certificate of good standing as an attorney or agent—\$10.00

(i) Suitable for framing—\$20.00

(ii) [Reserved]

(5) For review of decision:

(i) By the Director of Enrollment and Discipline under § 11.2(c)—\$130.00

(ii) Of the Director of Enrollment and Discipline under § 11.2(d)—\$130.00

(6)–(9) [Reserved]

(10) On application by a person for recognition or registration after disbarment or suspension on ethical grounds, or resignation pending disciplinary proceedings in any other jurisdiction; on application by a person for recognition or registration who is asserting rehabilitation from prior conduct that resulted in an adverse decision in the Office regarding the person's moral character; and on application by a person for recognition or registration after being convicted of a felony or crime involving moral turpitude or breach of fiduciary duty; on petition for reinstatement by a person excluded or suspended on ethical grounds, or excluded on consent from practice before the Office.—\$1,600.00

(b) Deposit accounts:

(1) For establishing a deposit account—\$10.00

(2) Service charge for each month when the balance at the end of the month is below \$1,000—\$25.00

(3) Service charge for each month when the balance at the end of the month is below \$300 for restricted subscription deposit accounts used exclusively for subscription order of patent copies as issued—\$25.00

(c) [Reserved]

(d) Delivery box: Local delivery box rental, per annum—\$50.00

(e) International type search reports: For preparing an international type search report of an international type search made at the time of the first action on the merits in a national patent application—\$40.00

(f) [Reserved]

(g) Self-service copy charge, per page—\$0.25

(h) For recording each assignment, agreement or other paper relating to the property in a patent or application, per property—\$40.00

(i) Publication in *Official Gazette*: For publication in the *Official Gazette* of a

notice of the availability of an application or a patent for licensing or sale:

Each application or patent—\$25.00

(j) Labor charges for services, per hour or fraction thereof—\$40.00

(k) For items and services that the Director finds may be supplied, for which fees are not specified by statute or by this part, such charges as may be determined by the Director with respect to each such item or service—Actual Cost

(l) [Reserved]

(m) For processing each payment refused (including a check returned “unpaid”) or charged back by a financial institution—\$50.00.

(n) For handling an application in which proceedings are terminated pursuant to § 1.53(e)—\$130.00

[56 FR 65153, Dec. 13, 1991, as amended at 57 FR 38195, Aug. 21, 1992; 57 FR 40493, Sept. 3, 1992; 59 FR 43741, Aug. 25, 1994; 60 FR 20222, Apr. 25, 1995; 60 FR 41022, Aug. 11, 1995; 61 FR 39588, July 30, 1996; 61 FR 43400, Aug. 22, 1996; 62 FR 40453, July 29, 1997; 62 FR 53183, Oct. 10, 1997; 63 FR 67580, Dec. 8, 1998; 65 FR 33455, May 24, 2000; 65 FR 49195, Aug. 11, 2000; 66 FR 39450, July 31, 2001; 69 FR 35451, June 24, 2004; 70 FR 30365, May 26, 2005; 71 FR 64639, Nov. 3, 2006]

§ 1.22 Fees payable in advance.

(a) Patent fees and charges payable to the United States Patent and Trademark Office are required to be paid in advance; that is, at the time of requesting any action by the Office for which a fee or charge is payable, with the exception that under § 1.53 applications for patent may be assigned a filing date without payment of the basic filing fee.

(b) All fees paid to the United States Patent and Trademark Office must be itemized in each individual application, patent, or other proceeding in such a manner that it is clear for which purpose the fees are paid. The Office may return fees that are not itemized as required by this paragraph. The provisions of § 1.5(a) do not apply to the resubmission of fees returned pursuant to this paragraph.

[68 FR 48288, Aug. 13, 2003]